

REMARKS

Claims 11 and 13 - 17 are pending in the application.

Claim 11 has been editorially amended to recite a method.

Claims 13 - 15 are supported by canceled Claims 2 - 4. In addition, Claim 15 is supported by the paragraph bridging pp. 12-13 of the specification.

New Claims 16 and 17 are supported throughout the specification. For example, see the Examples and p. 23.

Accordingly, no question of new matter arises and entry of the Amendment is requested, respectfully.

A. Abstract

The Abstract was objected to as containing improper language and descriptive material.

A new abstract has been provided.

B. Priority

The Examiner asserted that the specification of this 371 application needs to be amended to claim benefit of the PCT application, if Applicants want the benefit of the filing date of the PCT application.

The MPEP expressly recommends against amending the specification of a 371 application to claim the benefit of the PCT application. See the note at the end of MPEP 1893.03(c)III. However, the first line of the specification has been amended to identify this application as a 371 application.

C. Claim Objections

1. Claim 3 was objected to as being improper because it refers to more than one claim in the conjunctive rather than in the alternative.

Claim 3 has been canceled, thus rendering this objection moot.

2. Claim 2 was objected to as being unclear. The Examiner suggested following the references to the formulas immediately with the formulas.

New Claim 13 adopts the Examiner's suggestion.

3. Claim 4 was objected to for reciting a method by referring to a publication incorporated by reference.

New Claim 15 recites the assay steps as supported by the paragraph bridging pp. 12-13 of the specification.

4. Claim 12 was objected to for using an incorrect word.

Claim 12 has been canceled, thus rendering this rejection moot.

D. Claim Rejection - 35 U.S.C. § 101

Claim 11 was rejected as claiming a use, which is not patentable subject matter under U.S. law.

Claim 11 has been amended to recite a method.

E. Claim Rejections - 35 U.S.C. § 112

1. Claims 5-10 and 12 were rejected under 35 U.S.C. § 112, first paragraph as lacking enablement for "prevention" of disease.

The rejected claims have been canceled, thus rendering this rejection moot.

2. Claims 1, 2 and 4-12 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for various reasons.

a. Claim 1 [*sic.*, 2] was considered indefinite because it is unclear whether "CHAP" refers to one particular CHAP or to any CHAP.

New Claim 13 refers to "a" CHAP, thereby indicating that any one of many may be used.

b. Claim 4 was considered indefinite for referring to a method by reference to a publication.

As mentioned above, new Claim 15 recites the method steps.

c. Claim 11 was considered indefinite because it recited a use without reciting any method steps.

Claim 11 has been amended to recite a method.

d. Claim 12 was considered indefinite because it referred generally to diseases "caused by" articular cartilage extracellular matrix degradation.

Claim 12 has been canceled, thus rendering this rejection moot.

F. Claim Rejections - 35 U.S.C. § 102

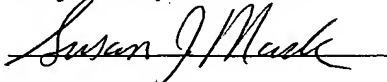
Claims 1, 2, 4-10 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by six different references. In addition, claims 1, 2, and 4-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by five different references.

The rejected claims have been canceled, thus rendering this rejection moot.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: July 20, 2006